

## **II. Request for Reconsideration of Restriction Requirement**

Under 37 C.F.R. §1.143, Applicants respectfully traverse the restriction requirement dated May 17, 2007, and further request reconsideration of the restriction requirement.

The Examiner restricted the invention as follows:

Group I	Claims 1-22	Drawn to a method of treating an autoimmune pathology
Group II	Claims 23-25	Drawn to a method of selecting compounds

Restriction is only proper if the restricted inventions are independent and patentably distinct and the search and examination of the entire application cannot be made without serious burden (MPEP 803). Applicants respectfully traverse the restriction requirement and submit that the restriction is improper. First, all pending claims involve a single inventive concept for which a single patent should issue, that is, they deal with methods of treating an autoimmune pathology (*e.g.*, multiple sclerosis) in a mammal, comprising administering at least one agent having estrogen receptor  $\alpha$  agonist activity to the mammal in an amount sufficient to decrease production of TH-1 and/or TH-2 cytokines. Moreover, the inclusion of the method of selecting compounds which have estrogen receptor  $\alpha$  agonist activity for treating multiple sclerosis and the method of use claims does not constitute any extra burden on the Examiner, because the claims involve the same agent having estrogen receptor  $\alpha$  agonist activity.

## **III. Provisional Response to Restriction Requirement**

Applicants provisionally elect Group I, claims 1-22 relating to methods of treating an autoimmune pathology, with traverse.

## **IV. Election of Species**

In response to the election of species requirement, Applicants elect multiple sclerosis, with traverse. Applicants respectfully submit that they are entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim.

**V. Conclusion**

Applicants respectfully request that the restriction requirement be withdrawn.

An early and favorable consideration and allowance of the pending claims is respectfully requested.

Respectfully submitted,



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